

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

CASE NO. CR01-188 JCC

Plaintiff,

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

v.

DAVID RABANG, JR,

Defendant.

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on December 13, 2005. The United States was represented by Susan Roe. The defendant was represented by Barry Flegenheimer. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Conspiracy to Import and Distribute 50 or More Kilograms of Marijuana on or about May 27, 2005. The Hon. John C. Coughenour of this court sentenced Defendant to 41 months of confinement, followed by 3 years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

DEFENDANT'S ADMISSION

USPO Steven Gregoryk alleged that Defendant violated the conditions of supervised release in three respects:

(1) Committing the crime of first degree assault and battery on or about September 6,

2005, in violation of general condition of supervision which states that the defendant shall not commit another federal, state, or local crime.

(2) Committing the crime of aggravated assault on or about September 6, 2005, in violation of the general condition of supervision which states that the defendant shall not commit another federal, stat, or local crime.

(3) Possessing a firearm on or about September 6, 2005, in violation of the general condition of supervision which states that the defendant shall be prohibited from possessing a firearm or destructive device as defined in 18 U.S.C. § 921.

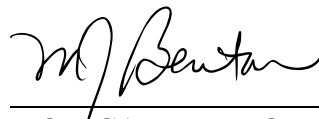
At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At today's hearing Defendant admitted violation #2, waived any hearing as to whether it occurred, and the Government has agreed to withdraw violations # 1 and 3. Defendant consented to having the matter set for a disposition hearing before the Hon. John C. Coughenour.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of her/his supervised release as alleged; and set the matter for a disposition hearing.

Defendant has been detained pending a final determination by the court.

DATED this 14th day of December, 2005.



MONICA J. BENTON
United States Magistrate Judge

cc:	Sentencing Judge	:	Hon. John C. Coughenour
	Assistant U.S. Attorney	:	Susan Roe
	Defense Attorney	:	Barry Flegenheimer
	U. S. Probation Officer	:	Steven Gregoryk